

REMARKS

The Substitute Specification provides additional information concerning the characteristics that are inherently exhibited by the new 'Boubri' variety. Such Substitute Specification generally conforms to that filed on May 6, 2003 in parent Application No. 10/125,421, and previously was found to comply with 35 U.S.C. § 112.

For the reasons indicated in detail during the prosecution of parent Application No. 10/125,421 there is urged to exist no sound basis to continue to deny patent protection under 35 U.S.C. § 102(b).

The examination and allowance of the Application are respectfully requested.

Respectfully submitted,

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Date: December 10, 2003

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BOTANICAL/COMMERCIAL CLASSIFICATION

Albizia julibrissin Durazz./Silktree

VARIETAL DENOMINATION

cv. 'Boubri'

This is a Continuation of United States Plant Patent Application
No. 10/125,421, filed April 19, 2002.

Summary of the Invention

The present invention comprises a new and distinct cultivar of Albizia tree (sometimes spelled "Albizzia"), botanically known as *Albizzia julibrissin* Durazz., and hereafter is referred to by the cultivar name 'Boubri'. [The new cultivar is of the 'Rosea Carr' type.]

The new cultivar of the present invention was created during 1980 at Borderes sur [Léchez] L'Echez, France during the course of a controlled breeding program. The female parent (*i.e.*, the seed parent) was *Albizia julibrissin* 'Rosea Carr' (non-patented in the United States). The male parent (*i.e.*, the pollen parent) was an unnamed *Albizia julibrissin* seedling (non-patented in the United States). The seeds resulting from the cross were sown and small plants were obtained which were physically and biologically different from each other. Selective study resulted in the identification of a single plant of the new cultivar of the present invention.

It was found that the new Albizia cultivar of the present invention displays:

- (1) an attractive spreading generally umbrella-shaped growth habit,
- (2) a profusion of attractive strongly fragrant blossoms having long tufted stamens that bear carmine magenta-red coloration of good stability,
- (3) large glossy dark green foliage, and

- (4) good resistance to cold.

The growth character of the new cultivar is regular with the tree growing upward in somewhat distinct stages. The hardiness is noteworthy with the tree continuing to bloom well even in the north of France.

The new cultivar of the present invention can be readily distinguished from other *Albizia jubibrissin* cultivars including each of its parents. More specifically the new cultivar forms darker green foliage, displays more vigor, and forms flowers having a stable carmine magenta-red coloration with longer stamens.

The new cultivar well meets the needs of the horticultural industry and can provide attractive ornamentation in the landscape as a distinctive specimen plant.

Asexual reproduction of the new cultivar by the use of cuttings as performed at Borderes sur [Léchez] L'Echez, France, in a controlled environment has demonstrated that the characteristics of the new cultivar are firmly fixed and are retained through successive generations of asexual propagation. A cutting commonly will initiate root development in approximately 45 to 60 days.

'Boubri' has not been observed under all possible environmental conditions to date. Accordingly, it is possible that the phenotype may vary somewhat with variations in the environment, such as temperature, light, day length, etc.

Brief Description of the Photographs

The depicted trees of the 'Boubri' cultivar were reproduced by the rooting of cuttings and were grown outdoors in the landscape at Borderes sur [Léchez] L'Echez, France.

FIG. 1 illustrates during the summer a typical specimen of a five year-old tree. A profusion of the attractive carmine magenta-red blossoms, and dark green foliage are apparent.

FIG. 2 illustrates during the summer a typical specimen of a twelve year-old tree. The spreading generally umbrella-shaped growth habit, attractive carmine magenta-red blossoms, and dark green foliage similarly are apparent.

FIG. 3 illustrates a closer view of typical inflorescence and foliage.

FIG. 4 illustrates typical inflorescence wherein the colorful long tufted stamens are shown. The attractive glossy dark green foliage also is visible.

Detailed Description

The plant described was a sixteen year-old specimen of the 'Boubri' cultivar while growing outdoors in the landscape at Borderes sur [Léchez] L'Echez, France. The tree was observed from mid-July to the end of September. The color terminology utilized in the description is that of the R.H.S. Colour Chart of the Royal Horticultural Society, London, England, except where common color terms are used and are to be accorded [its] their ordinary dictionary significance.

PLANT:	<u>form</u>	--	[The] <u>the</u> crown displays an attractive spreading generally umbrella-shaped growth habit. As illustrated in FIGS. 1 and 2, there is significant horizontal spreading. The tree grows upward in somewhat distinct stages or horizontal ramifications.
	<u>height</u>	--	[Up] <u>up</u> to approximately <u>10 to 12</u> meters when fully mature.
	<u>width</u>	--	<u>approximately 14 to 16 meters when fully mature.</u>

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025200-043

	<u>vigor</u>	--	<u>a young tree may develop new shoot growth up to approximately 2.5 meters in length per year, and a mature tree may develop approximately 30 to 50 cm of new growth per year.</u>
TRUNK:	<u>diameter</u>	--	<u>approximately 40 to 50 cm for a fully mature tree measured one meter above the ground.</u>
BRANCHES:	<u>young stems</u>	--	<u>dark greenish-gray (near Greyed-Green Group 195A) and striped with dark brown. On a one year-old stem the lenticels are raised, substantially round in configuration, near white in coloration, approximately 1 to 1.5 mm in diameter, and commonly are present at a frequency of approximately 3 to 4 per square centimeter.</u>
	<u>adult wood</u>	--	<u>[gray on a greenish surface. The lenticels are whitish] Greyed-Green Group 197B.</u>
	<u>texture</u>	--	<u>hard and firm.</u>

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FOLIAGE:	<u>shape</u>	--	deciduous leaves are arranged bipinnate in pairs of approximately 10 to 12 [pennules] <u>pinnules</u> on average which divide into approximately 20 to 30 pairs of leaflets.
	<u>length</u>	--	approximately 25 <u>to 28</u> cm on average.
	<u>width</u>	--	approximately 12 <u>to 14</u> cm on average.
	<u>petiole</u>	--	approximately [3 to 5] <u>6.5 to 7.5</u> cm in length on average, <u>and</u> <u>approximately 2.5 to 3 mm in diameter on average at the middle.</u> The upper surface is [greenish-yellow] <u>near Yellow-Green Group 149B,</u> and the under surface is [pale green] <u>near Yellow-Green Group 145C.</u>
	<u>rachis</u>	--	bears a gland at the base.
	<u>leaflets</u>	--	<u>number:</u> approximately 200 to 360 per leaf.
		--	<u>shape:</u> curved-oblong, <u>sharp</u> falciform and frondlike.
	<u>length</u>	--	<u>approximately 10 to 12 mm on average.</u>
	<u>width</u>	--	<u>approximately 2.5 to 3 mm on average.</u>

- texture: glossy, soft, and smooth on the upper and under surface.
- general appearance: finely textured and [tropical in appearance] similar to that of *Delonix regia* that grows well a tropical environment.
- new foliage color: glossy dark green (Green Group 135B) and [sometime] sometimes bears some purple on the upper surface and pale green (Green Group 130A) on the under surface.
- mature foliage color: glossy dark green on the upper surface and greenish cream on the under surface.
- base: rounded.
- margin: entire.

INFLORESCENCE:

blooming
period

- substantially continuous and commonly from mid-July to the end of September. Trees commonly must be at least three years of age before they bloom.

- bearing -- in pedunculate clusters of
approximately 20 to 30 on average
forming a corymb panicle having a
length of approximately 3 to 4 cm.
The clusters flower from the bottom to
the top.
- buds -- diameter: approximately 1.5 cm on
average. Buds commonly are visible
in the preceding fall following the
dropping of the leaves.
- shape: round.
- color: [cream] near Yellow-Green
Group 149A.
- flowers -- calyx and corolla: [cream green] near
Yellow-Green Group 150B in
coloration.
- sepals -- approximately 3 to 3.5 mm in length,
approximately 1.5 to 2 mm in width,
and near Yellow-Green Group 150B in
coloration.

- peduncle -- approximately 4.5 to 5 cm in length,
and approximately 1.5 mm in
diameter.
- stamen shape: form a feathery tuft.
- stamen length: approximately [3.5] 4
to [4] 4.5 cm on average.
- stamen number: commonly in excess
of 40.
- filaments: very thin, provide color to
the stamens and are [cream colored] near White Group 155A at the base
and carmine magenta-red (near Red-
Purple Group 57A) [toward] towards
the tip as illustrated in FIG. 4.
- stamen texture: very smooth.
- fragrance: very strong and similar to
that of the wood of lime.
- anthers: minuscule in size, too small to
be seen without magnification, and
generally yellow in coloration.

- pollen: present and [yellow] Yellow
Group 5A in coloration.
- fruit: generally flattened and in the
shape of an elongated pod with a
wrinkled surface. The coloration is
[creamy-white] near Greyed-White
Group 156B. The length is
approximately 15 to 18 cm on average
and the width is approximately 2.5 to
3 cm on average.
- seeds: there commonly are
approximately 10 to 15 seeds per fruit
on average. The seed configuration is
lenticular oval and the coloration is
brown. The length commonly is
approximately 8 to 10 mm, the
thickness approximately 2 mm, and
the width approximately 4.5 to 5 mm.
The coloration is near Brown
Group 200D.

TOLERANCE TO DISEASES

Very good with no particular
susceptibility to diseases having been
observed during observations to date.

HARDINESS

Very good. The 'Boubri' cultivar has
been found to well resist cold and
continues to blossom even when tested
in the north of France.